

**EIGHTY-SECOND LEGISLATIVE DAY  
FRIDAY, MARCH 30, 2007**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 64 members present.

Absent and excused -- Bradford, Luker, McGeachin, Ringo, Thayne, Trail. Total -- 6.

Total -- 70.

Prayer was offered by Representative Marriott.

The Pledge of Allegiance was led by Jacob Uhlenkott, Page.

**Approval of Journal**

March 30, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-first Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

March 29, 2007

Mr. Speaker:

I return herewith enrolled **H 121**, and the Certificate of Passage over the veto of the Governor, which has been signed by the President.

WOOD, Secretary

Enrolled **H 121**, and the Certificate of Passage over the veto of the Governor, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

**CERTIFICATE OF PASSAGE  
of H 121  
the Governor's Veto Notwithstanding**

**H 121**, having been vetoed by the Governor of Idaho pursuant to Article 4, Section 10 of the Idaho Constitution, on March 22, 2007, was returned to the House of Representatives on March 22, 2007, for reconsideration. Upon reconsideration on March 28, 2007, by a vote of 57 to 13, over two-thirds of the members present approved the bill notwithstanding the objections of the Governor. Said vote was entered on the Journal of the House.

On March 28, 2007, **H 121** having been reconsidered and approved by over two-thirds of the members of the House of Representatives, was reconsidered by the Senate. Upon reconsideration, by a vote of 29 to 6, over two-thirds of the members present in the Senate approved the bill notwithstanding the objections of the Governor. Said vote was entered on the Journal of the Senate.

In accordance with Article 4, Section 10 of the Idaho Constitution, **H 121**, shall become law on July 1, 2007, notwithstanding the objections of the Governor.

/s/ LAWRENCE DENNEY  
SPEAKER OF THE HOUSE

/s/ JAMES E. RISCH  
PRESIDENT OF THE SENATE

OFFICE OF THE GOVERNOR  
Boise

March 30, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 308**

/s/ Very truly yours,  
C. L. "BUTCH" OTTER  
Governor

March 30, 2007

Mr. Speaker:

I return herewith enrolled **H 210**, as amended, as amended, and **H 222** which have been signed by the President.

WOOD, Secretary

Enrolled **H 210**, as amended, as amended, and **H 222** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 30, 2007

Mr. Speaker:

I transmit herewith **S 1239** and **S 1240** which have passed the Senate.

WOOD, Secretary

**S 1239** and **S 1240** were filed for first reading.

**Report of Standing Committees**

March 30, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 121**, with Certificate of Passage to the Secretary of State at 10:34 a.m., as of this date, March 30, 2007.

CLARK, Chairman

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 336  
BY APPROPRIATIONS COMMITTEE**

**AN ACT**

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; PROVIDING A LIST OF HIGHWAY TRANSPORTATION PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF TRANSPORTATION PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING LEGISLATIVE INTENT AS TO THE IDAHO TRANSPORTATION BOARD'S PRIORITY USE OF BOND REVENUE; PROVIDING LEGISLATIVE INTENT REGARDING WORK PERFORMED BY THE IDAHO TRANSPORTATION DEPARTMENT; PROVIDING LEGISLATIVE INTENT AUTHORIZING THE IDAHO TRANSPORTATION BOARD TO ADJUST ALLOCATION OF BOND PROCEEDS; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING A DATE FOR SUBMITTAL OF A REPORT TO THE LEGISLATURE; PROVIDING THAT BONDS AUTHORIZED BE ISSUED NO LATER THAN JUNE 30, 2008; PROVIDING FOR RESPONSIBILITIES OF THE IDAHO TRANSPORTATION BOARD AND PROVIDING FOR AUTHORITY OF THE IDAHO LEGISLATURE; AND AMENDING SECTION 40-315, IDAHO CODE, TO PROVIDE FOR RESPONSIBILITIES OF THE IDAHO TRANSPORTATION BOARD AND TO PROVIDE FOR AUTHORITY OF THE IDAHO LEGISLATURE.

**H 336** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1239** and **S 1240**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House returned to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1239** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1239** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Sayler.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour(Herzfeld), Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 60.

NAYS -- Durst. Total -- 1.

Absent and excused -- Bradford, Edmunson, Luker, McGeachin, Ring, Ringo, Smith(24), Thayne, Trail. Total -- 9.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1239** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **S 1239** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Vander Woude, Wills, Wood(27), Mr. Speaker. Total -- 56.

NAYS -- Barrett, LeFavour(Herzfeld), Loertscher, Schaefer, Wood(35). Total -- 5.

Absent and excused -- Bradford, Edmunson, Luker, McGeachin, Ring, Ringo, Smith(24), Thayne, Trail. Total -- 9.

Total -- 70.

Whereupon the Speaker declared **S 1239** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1240** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1240** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Saylor.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour(Herzfeld), Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 60.

NAYS -- Durst. Total -- 1.

Absent and excused -- Bradford, Edmunson, Luker, McGeachin, Ring, Ringo, Smith(24), Thayn, Trail. Total -- 9.  
Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1240** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **S 1240** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Durst, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour(Herzfeld), Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 61.

NAYS -- None.

Absent and excused -- Bradford, Edmunson, Luker, McGeachin, Ring, Ringo, Smith(24), Thayn, Trail. Total -- 9.  
Total -- 70.

Whereupon the Speaker declared **S 1240** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House returned to the Fifth Order of Business.

### Report of Standing Committees

March 30, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 336**.

CLARK, Chairman

**H 336** was filed for second reading.

March 30, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 210**, as amended, as amended, and **H 222** to the Governor at 4:08 p.m., as of this date, March 30, 2007.

CLARK, Chairman

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 336** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **336** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour(Herzfeld), Loertscher, Marriott, Mathews, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total -- 60.

NAYS -- Durst. Total -- 1.

Absent and excused -- Bradford, Edmunson, Luker, McGeachin, Ring, Ringo, Smith(24), Thayn, Trail. Total -- 9.  
Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion

carried, the rules were suspended, and **H 336** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson and Ms. Henbest to open debate.

The question being, "Shall **H 336** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bedke, Bell, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, LeFavour(Herzfeld), Luker, Moyle, Pasley-Stuart, Pence, Raybould, Ring, Roberts, Ruchti, Rusche, Sayler, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Snodgrass, Stevenson, Vander Woude, Wills, Wood(27). Total -- 48.

NAYS -- Barrett, Bayer, Clark, Hart, Harwood, Lake, Loertscher, Marriott, Mathews, Mortimer, Nielsen, Nonini, Patrick, Schaefer, Smith(24), Wood(35), Mr. Speaker. Total -- 17.

Absent and excused -- Bradford, McGeachin, Ringo, Thayn, Trail. Total -- 5.

Paired Votes:

|                            |                   |
|----------------------------|-------------------|
| AYE -- Edmunson.           | NAY -- Marriott.  |
| AYE -- Ring.               | NAY -- Smith(24). |
| AYE -- Luker.              | NAY -- Nielsen.   |
| AYE -- LeFavour(Herzfeld). | NAY -- Schaefer.  |

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 336** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that committees be appointed by the Speaker to notify the Governor and the Senate that the House is ready to adjourn Sine Die. There being no objection, it was so ordered.

The Speaker appointed Representatives Wood(35), Bayer, and Sayler to notify the Governor and Representatives Eskridge, Brackett, and Shepherd((2) to notify the Senate.

The committees were excused.

The committee appointed to notify the Governor reported that it had delivered the message to the Governor. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate reported that it had delivered the message to the Senate. The committee was thanked and discharged by the Speaker.

There being no objection, the House returned to the Fourth

Order of Business.

### Consideration of Messages from the Governor and the Senate

March 30, 2007

Mr. Speaker:

I return herewith **H 330**, **H 334**, and **H 335** which have passed the Senate.

WOOD, Secretary

**H 330**, **H 334**, and **H 335** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

March 30, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 330**, **H 334**, and **H 335**.

CLARK, Chairman

The Speaker announced he was about to sign enrolled **H 330**, **H 334**, and **H 335**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Moyle moved that the House of Representatives of the First Regular Session of the Fifty-ninth Legislature of the State of Idaho adjourn Sine Die. Seconded by Ms. Jaquet.

Whereupon the Speaker declared the motion carried and the House of Representatives of the First Regular Session of the Fifty-ninth Legislature of the State of Idaho adjourned Sine Die at 5:45 p.m., March 30, 2007.

LAWRENCE DENNEY, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

Enrolled **S 1225**, **S 1228**, **S 1239**, and **S 1240** were received from the Senate, signed by the Speaker, and returned to the Senate.

Enrolled **H 330**, **H 334**, and **H 335** were returned from the Senate, signed by the President and delivered to the Governor at 10:25 a.m., April 2, 2007.

**H 336** was returned from the Senate passed, enrolled, signed by the Speaker, signed by the President, and delivered to the Governor at 10:25 a.m., as of this date, April 2, 2007.

OFFICE OF THE GOVERNOR  
Boise

March 30, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 53**, as amended, **H 55**, as amended, **H 88**, **H 89**, **H 90**, **H 91**, **H 92**, **H 96**, **H 97**, **H 103**, **H 104**, **H 186**, **H 228**, as amended, **H 249**, as amended, **H 252**, **H 265**, **H 267**, **H 305**, **H 309**, **H 310**, **H 311**, **H 312**, **H 313**, **H 314**, **H 316**, **H 317**, **H 318**, **H 319**, **H 320**, **H 322**, and **H 323**

/s/ Very truly yours,  
C. L. "BUTCH" OTTER  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 2, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 42**, as amended in the Senate, **H 123**, as amended in the Senate, **H 166**, as amended, as amended in the Senate, **H 253**, as amended in the Senate, **H 295**, as amended in the Senate, **H 325**, **H 326**, **H 327**, **H 328**, and **H 329**

/s/ Very truly yours,  
C. L. "BUTCH" OTTER  
Governor  
OFFICE OF THE GOVERNOR  
Boise

April 4, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 210**, as amended, as amended

/s/ Very truly yours,  
C. L. "BUTCH" OTTER  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 4, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting to the Office of the Secretary of State the following House bill which will be allowed to become law without my signature:

**H 184**, as amended

within the time limited by law.

It is my firm belief that government should avoid interfering in marketplace decisions as much as possible. This legislation takes the unfortunate step of ceding to politicians on the banks of the Potomac River future decisions about Idaho's minimum wage. Such decisions should be left to employers and employees on the banks of the Boise, Payette, Salmon, Coeur d'Alene, Portneuf, St. Joe and Snake rivers.

/s/ Very truly yours,  
C. L. "BUTCH" OTTER  
Governor  
OFFICE OF THE GOVERNOR  
Boise

April 5, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 222, H 334, H 335, and H 336**

Very truly yours,  
/s/ C. L. "BUTCH" OTTER  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 12, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting to the Office of the Secretary of State the following House bill which will be allowed to become law without my signature:

**H 330**

within the time limited by law.

I agree with the Attorney General's Office conclusion that Section 6 of this legislation "is quite possibly a violation of the separation of powers required by the Idaho Constitution." I would have line-item vetoed the offending passage and signed the remaining important appropriation into law - but for the questionable precedent set by the Idaho Supreme Court in *Cenarrusa v. Andrus*. However, while I support this legislation's safeguard for Idaho's rural, resource-dependent communities against federal government neglect, I refuse to be an active party to the Legislature's usurpation of executive authority.

Very truly yours,  
/s/ C. L. "BUTCH" OTTER  
Governor

**CERTIFICATE**

WE, LAWRENCE DENNEY, Speaker of the House of Representatives, and PAMM JUKER, Chief Clerk, do hereby certify and attest as follows:

That we have carefully compiled in the House Journal of the First Regular Session of the Fifty-ninth Legislature all of the proceedings of the Eighty-second Legislative Day, and that the said Journal contains a full, true, and correct record of all of the proceedings of said House of Representatives for said day and final action upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hands, this 12th day of April, 2007.

LAWRENCE DENNEY, Speaker

Attest:

PAMM JUKER, Chief Clerk